IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: TATEISHI *et al.*

Serial No. 10/577,375

Filed: February 12, 2007

Art Unit: 1651

Conf. No. 6219

Examiner: Irene MARX

Attorney Docket No.: 09-164-US

FUNGUS HAVING ACTIVITY OF CONTROLLING DISEASE OF GRAMINEOUS PLANT, CONTROLLING AGENT USING THE SAME, METHOD OF CONTROLLING AND BIOLOGICAL MATERIAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT OF BIOLOGICAL CULTURE DEPOSIT

I, Hideaki Tateishi, hereby state:

1. That the following culture(s) referred to in the specification of this application have been deposited:

Strain B-422 _ Accession number FERM BP-08516

2. That the date of the above deposit is:

(*check appropriate item below*)

☒ before the U.S. filing date of this application.

☐ After the U.S. filing date of this application and proof that the culture(s) identified above is (are) the same culture(s) described in the application as filed is attached.

3. That the name and address of the depository is:

International Patent Organism Depository

National Institute of Advanced Industrial Science and Technology

AIST Tsukuba Central 6, 1-1, Higashi 1-Chome, Tsukuba-shi,

Ibaraki-ken 305-8566, Japan

4. The culture deposited with the above-named depository was viable and was capable of reproduction on the date of deposit.

5. That, with respect to the permanence of the culture(s) deposit:

(*complete a, b, or c*)

a. ☒ the depository is an official depository, in accordance with the Budapest Treaty for the above deposited culture(s).

b. ☐ the depository affords permanence of the deposit for at least 30 years or at least 5 years after the most recent storage request, whichever is longest.

c. ☐ evidence that permanent availability of the microorganism is assured is provided in the form of the attached copy of the contract with the above-mentioned depository with respect to the deposited culture(s).

I state that should the microorganism(s) mutate, become nonviable or be inadvertently destroyed, applicants will replace such microorganism(s) for at least 30 years from the date of the original deposit, or at least 5 years from the date of the most recent request for release of a sample or for the life of any patent issued on the above-mentioned application, whichever period is longer.

6. That, with respect to availability of the culture(s), I state that the deposit has been made under conditions of assurance of (a) ready accessibility thereto by the public if a patent is granted whereby all restrictions to the availability to the public of the culture so deposited will be irrevocably removed upon the granting of the patent (M.P.E.P. § 608.01(p)), and (b) access to the culture will be available during pendency of the patent application to one determined by the Commissioner to be entitled thereto under 37 C.F.R. § 1.14 and 35 U.S.C. § 122.

☒ Evidence of the accessibility of the culture(s) as set forth above is provided in the form of the attached copy of the contract (Exhibit A)

with the above-mentioned depository with respect to the deposited cultures.

Kureha Corporation

By Hideaki Tateishi

Hideaki Tateishi, Chief Researcher
(typed name and title)

August 20, 2010
(date)

EXHIBIT A

BUTAPEST TREATY OF THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSE OF PATENT PROCEDURE

RECEIPT IN THE CASE OF AN ORIGINAL DEPOST
issued pursuant to Rule 7.1 by the INTERNATIONAL DEPOSIT AUTHORITY
identified at the bottom of this page.

Name: Kureha Chemical Industry Co., Ltd.
President, Hiroshi TANAKA
Address: 9-11, Nihonbashi Horidome-cho 1-chome, Chuo-ku, Tokyo 103-8552

1. Identification of microorganism
(Iden (Accession Number)
Talar FERM BP-08516
2. Scier Exhibit A on
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□
□
3. Rece
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recei).
4. Rece
(Omi
5. Inter
Name: International Patent Organism Depositary
National Institute of Advanced Industrial Science and Technology
Dr. Syuichi Oka, Director
Address: AIST Tsukuba Central 6, 1-1, Higashi 1-Chome, Tsukuba-shi,
Ibaraki-ken 305-8566, Japan

Date: October 20, 2003

様式8(第7条第1項関係)

「特許手続上の微生物の寄託の国際的承認に関するブタペスト条約」

下記国際寄託当局によって規則7.1に従い発行される。

BUTAPEST TREATY OF THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT

issued pursuant to Rule 7.1 by the INTERNATIONAL DEPOSIT AUTHORITY identified at the bottom of this page.

原寄託についての受託証

氏名(名称)

呉羽化学工業株式会社
代表取締役　田中 宏　殿

あて名　〒 103-8552
東京都中央区日本橋堀留町1丁目9番地11号

1. 微生物の表示

(寄託者が付した識別のための表示)	(受託番号)
Talaromyces sp. B-422	FERM BP- 08516

2. 科学的性質及び分類学上の位置

1欄の微生物には、次の事項を記載した文章が添付されていた。

☑ 科学的性質
☑ 分類学上の位置

3. 受領及び受託

本国際寄託当局は、 2003 年 10 月 20 日(原寄託日)に受領した1欄の微生物を受託する。

4. 移管請求の受領

本国際寄託当局は、年 月 日(原寄託日)に受領した1欄の微生物を受託した。

そして、年 月 日に原寄託によりブタペスト条約に基づく寄託への移管請求を受領した。

5. 国際寄託当局

名称　独立行政法人産業技術総合研究所 特許生物寄託センター

International Patent Organism Depositary
National Institute of Advanced Industrial Science and Technology

センター長　岡 修一

Dr.Syuichi Oka, Director

あて名　日本国茨城県つくば市東1丁目1番地1 中央第6(郵便番号305-8566)

AIST Tsukuba Central 6, 1-1, Higashi 1-Chome Tsukuba-shi,
Ibaraki-ken 305-8566 Japan

平成 15 年 (03) 10 月 20 日

Fungi ,Yeasts and Yeast Genetic Stock

ATCC® Number:	32908™ Order this Item	Price:	$275.00
Organism:	*Talaromyces flavus* (Klocker) Stolk et Samson var. *flavus*, teleomorph		
Alternate State:	*Penicillium vermiculatum* Dangeard, anamorph		
Designations:	M 3224		
Isolation:	soil, Japan		
Depositors:	K Mizumo		
Biosafety Level:	1		
Shipped:	freeze-dried		
Growth Conditions:	ATCC medium 200: YM agar or YM broth ATCC medium 323: Malt agar medium **Temperature:** 24.0° C		
Permits/Forms:	In addition to the MTA mentioned above, other ATCC and/or regulatory permits may be required for the transfer of this ATCC material. Anyone purchasing ATCC material is ultimately responsible for obtaining the permits. Please click here for information regarding the specific requirements for shipment to your location.		
Applications:	produces glucose oxidase [1577] [1728] produces talaron [224]		
Subcollection:	Fungi		
References:	224: Mizuno K, et al. A new antibiotic, taleron. J. Antibiot. 27: 560-563, 1974. PubMed: 4457536 1577: et al., Kim KK. Production, purification, and properties of glucose oxidase from the biocontrol fungus Talaromyces flavus. Can. J. Microbiol. 36: 199-205, 1990. 1728: Kim KK, et al. Glucose oxidase as the antifungal principle of talaron from Talaromyces flavus. Can. J. Microbiol. 36: 760-764, 1990. PubMed: 2279238 32234: Murray FR, et al. Isolation of the glucose oxidase gene from Talaromyces flavus and characterisation of its role in the biocontrol of Verticillium dahliae. Curr. Genet. 32: 367-375, 1997. PubMed: 9371889		

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